

BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: November 17, 2004

Division: Growth Management

Bulk Item: Yes ☐ No ☒

Department: Planning and Environmental Res.

**AGENDA ITEM WORDING:** Staff report on Robbie's Marina and status of planning and regulatory issues related to development of waterfront on Stock Island.

**ITEM BACKGROUND:** At its October 20, 2004, regularly scheduled meeting, the Board requested that the Planning and Environmental Resources Department prepare a report on the Department's Letter of Understanding on the development potential of Robbie's Marina. Additionally, the Board requested a report on the status of the Department's master planning efforts on Stock Island, as part of the Livable CommuniKeys Program, and other regulatory efforts that effect waterfront development and live-aboards.

**PREVIOUS RELEVANT BOCC ACTION:** N/A

**CONTRACT/AGREEMENT CHANGES:** N/A

**STAFF RECOMMENDATIONS:** N/A

**TOTAL COST:** N/A

**BUDGETED:** Yes ☐ No ☐

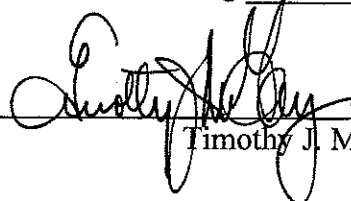
**COST TO COUNTY:** N/A

**SOURCE OF FUNDS:** \_\_\_\_\_

**REVENUE PRODUCING:** Yes NA No ☐ **AMOUNT PER MONTH** \_\_\_\_\_ **Year** \_\_\_\_\_

**APPROVED BY:** County Atty N/A OMB/Purchasing N/A Risk Management N/A

**DIVISION DIRECTOR APPROVAL:**



Timothy J. McGarry, AICP

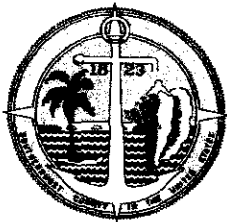
**DOCUMENTATION:** Included ☐ To Follow ☒ Not Required ☐

**DISPOSITION:** \_\_\_\_\_

**AGENDA ITEM #** L-3

Planning and Environmental Resources

K. Marlene Conaway, Director  
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Suite #400  
Marathon, Florida 33050  
Voice: (305) 289-2500  
FAX: (305) 289-2536



Board of County Commissioners

Mayor Murray Nelson, Dist. 5  
Mayor Pro Tem David P. Rice Dist. 4  
Comm. Charles "Sonny" McCoy, Dist. 3  
Comm. George Neugent, Dist. 2  
Comm. Dixie Spehar, Dist. 1

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November 2, 2004

TO: Board of County Commissioners

FROM: K. Marlene Conaway, Director *KMC*

RE: Robbie's Marine on Stock Island

The redevelopment possibilities for Robbie's Marine on Stock Island were discussed at the Board meeting in October. At issue were the limits to the proposed redevelopment on the site due to requirements of the existing regulations and Plan. The relationship of this property and the Livable CommuniKeys Planning Program (LCP) was also questioned. This memorandum serves as a response to the Board's request for a report on the property and how the existing regulatory framework directs redevelopment of the property and the potential for changes through the LCP process.

Redevelopment Proposal and Existing Regulatory Framework

Proposal - The redevelopment proposal for Robbie's Marine is for a 50 slip marina for boats 100 to 300 feet in length, a 40 unit condo-hotel, 6 employee housing units, 8,000 square foot restaurant, 4,000 square foot spa, 2,000 square foot office space, ships store, parking and accessory amenities for the site. Staff had a pre-application conference with applicants, completed a technical review of the proposal, and prepared a seven page Letter of Understanding (LOU) detailing the regulations that impact the development.

Coastal Barrier Resources System (CBRS) - The property is classified as a part of the (CBRS) on the Federal Flood Insurance Rate Map. Properties included in the classification receive negative points in ROGO and NROGO and cannot be receiver sites for Transfer of Residential Equivalent units (TRE) or Transfer of Non-residential Floor Area. CBRS is not a local classification and the County cannot remove properties from the Federal Flood Insurance Rate Map.

Navigable Waterway - The proposed arrangement of the 50 marina slips exceeds the 25% of the navigable waterway which is permitted to be preempted by docks and moored vessels. There was also concern raised in the LOU about the potential impacts on other uses in the harbor if the proposal is approved (barge delivery, shrimp boats, etc.)

Density/Intensity - It is important to note that there is a total density/intensity of uses (hotel rooms, residential units, live-aboard units, commercial, office and industrial square footage) permitted for any one site. The calculations in the LOU review several combinations of uses for utilizing the site. The total amount of proposed development would cumulatively exceed the density standards in the LDRs.

## **PROPOSED**

- 50 slip mega-yacht marina
- 40 unit hotel
- 6 or 7 employee housing units
- Full time crew on 50 mega-yachts
- 8,000 square foot restaurant, 4,000 sq. ft. spa and 2,000 sq. ft. office, ships store.
- Industrial uses – boat repair, etc

## **REGULATORY FRAMEWORK**

Existing marina - amendment to a Major Conditional Use.

- 1) Density calculations – potential 10 rooms per acre allocated; 15 w/TDRs.
- 2) Moratorium on allocating new transient units.
- 3) Transfer of Residential Equivalent units (TRE) is prohibited in the CBRS.
- 1) Density calculations - potential 1 unit per acre allocated; 2 w/ Transfer of Development Rights (TDR).
- 2) ROGO allocations required for units that are not replacement.
- 1) Live-aboard slips are required and are subject to ROGO allocation.
- 2) Transient slips would be subject to the moratorium and CBRS.
- 3) Slips are counted as part of residential density for upland.
- 1) Total of 5,000 sq. ft permitted in zone for all commercial retail – restaurant, spa, store.
- 2) Only low and medium intensity.
- 3) Total of 5,000 sq. ft. permitted in zone for all office uses.
- 4) Maritime Industrial is not subject to NROGO; existing floor area on site may not be re-developed for commercial or office without going through ROGO.
- 5) NROGO allocation for floor area.
- 6) Transfer of non-residential floor area is not permitted in CBRS.

Exempt from NROGO, 22,500+ sq. ft. existing on site.

### Planning Perspective

The 2010 Comprehensive Plan and the Land Development Regulations (LDR) are currently structured to be preferential to port related, commercial fishing and maritime industrial uses in the Safe Harbor/Peninsular port area of Stock Island. One of the Department goals in developing the Livable CommuniKeys Plan is to identify the changing priorities for the harbor and port area and to incorporate them into action items in the Master Plan. Amendments will also be made to the 2010 Comprehensive Plan to make the 2010 Plan consistent with the direction set in the LCP Master Plan.

On rereading the LOU, I see that the enthusiasm and the opinions of the Planner who drafted the letter came through despite my edits. Let me assure you that the direction of the LCP Master Plan is evolving as additional community meetings and surveys occur. The consultants, Wallace Roberts and Todd, LLC (WRT), have met with the stakeholders and are working now to develop a Plan for a shared use of this important resource. A public workshop to review WRT's alternative analysis is planned for the first part of December. The Department is projecting that the draft LCP Plan, including the Harbor Preservation Redevelopment Plan will be ready for community review by February.

The Robbie's Marine property is a valuable asset to the Harbor. The redevelopment of this site will be an important anchor to the future port. The existing boat yard has filled a major need in the past and hopefully a Plan will be adopted that permits an appropriate use in the future.

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**BOARD OF COUNTY COMMISSIONERS**  
Mayor Murray E. Nelson, District 5  
Mayor Pro Tem David P. Rice, District 4  
Dixie M. Spehar, District 1  
George Neugent, District 2  
Charles "Sonny" McCoy, District 3

August 09, 2004

Mr. Don Craig, AICP  
The Craig Company  
Agent for Eagle Development Florida  
P.O. Box 970  
Key West, FL 33041-0372

**SUBJECT: PRE-APPLICATION MEETING LETTER OF UNDERSTANDING FOR  
REDEVELOPMENT OF ROBBIE'S MARINE ON STOCK ISLAND  
RE # 00123660.000000.**

Dear Mr. Craig:

Pursuant to Section 9.5-43 of the Monroe County Code, Amended, this document shall constitute a letter of understanding. On June 17, 2004, a pre-application conference regarding the above referenced project was held in the Monroe County Planning and Environmental Resources Department office in Marathon.

Attendees at the meeting included Don Craig, AICP; Michael H. Myers, Tom Pope, A.I.A.; Owen Trepanier, Lee Underwood, Norman Wood, Jr., Allen Perez, P.E.; (hereafter referred to as "the applicant"); K. Marlene Conaway, Director of Planning; Aref Joulani, Senior Administrator of Development Review; J. G. Buckley, Senior Planner; Heather Beckman, Planner; Ralph Gouldy, Sr. Administrator of Environmental Resources and Andrew Trivette, Senior Biologist, (hereafter referred to as the "Staff") for the Planning and Environmental Resources Department.

**Materials presented for review prior to meeting included:**

- a) Pre-application conference request form; and
- b) Survey and legal description, prepared by EDSA, dated 4/27/04; and
- c) Proposed site plan, prepared by EDSA, dated 4/27/04; and
- d) Proposed development summary; and
- e) Aerial photograph of site; and
- f) Photos of site; and
- g) Zoning maps; and
- h) Property record card; and
- i) Building permit records.

At the meeting, the following items were discussed and/or agreed upon:

At the meeting, the following items were discussed and/or agreed upon:

- 1) The applicant is interested in purchasing and redeveloping the parcel of land on Stock Island that currently houses Robbie's Marine and boat repair yard. Based on the property record card the subject property is 12.58 acres (547,984.8 sq. ft.) of upland area. The proposed redevelopment would include a 50-slip marina for boats one hundred (100) to three hundred (300) feet in length; marina-supporting commercial facilities including a ship's store (1,000 to 2,000 sq. ft.), a restaurant/club (8,000 sq. ft.), a spa (4,000 sq. ft.) and marina offices (2,000 sq. ft.); a forty-unit (40) condo-hotel (1,400 sq. ft. per unit); captain's/crew quarters (2 - 4 single-family dwelling unit equivalents); a manager's residence, and two additional single-family dwelling units; and amenities including two hundred-eighty (280) parking spaces, swimming pool, swimming dock, upland beach and walking trails. The proposed facility would not be open to the public.
- 2) The current Land Use District (zoning) Map indicates that the property is in the Maritime Industrial (MI) Land Use (zoning) District. The Future Land Use Map (FLUM) indicates the property is designated Mixed Use/Commercial (MC). The current use is consistent with the zoning district and the FLUM. However, Policy 502.1 of the Year 2010 Comprehensive Plan states that "Monroe County shall permit only port related land uses within the Safe Harbor/Peninsular port area of Stock Island. Within twelve months of the effective date of the Comprehensive Plan, Monroe County shall adopt Land Development Regulations and amend the Land Use District Maps to only permit those land uses including but not limited to commercial and industrial port-dependent uses, industry, commercial fishing, marinas, and employee housing."

While the proposed project is categorized as a marina, it obviously will be a facility that includes some uses that do not appear to be consistent with Policy 502.1 such as the condo/hotel, spa, and slips for mega-yachts. Policy 502.1 is intended to promote historical port activities that serve the community as a whole, such as commercial fishing, marine support businesses and the jobs associated with those uses. Additionally, the on-going efforts to develop a Master Plan, including the Safe Harbor/Peninsular Port Area Redevelopment program have indicated, based on public input, that the proposed project is not consistent with the future community character of Stock Island. Based on Policy 502.1 it appears that the proposed project is not consistent with the land use district or the FLUM.

- 3) As proposed, the project is not feasible due to the fact that the property is classified as a part of the Coastal Barrier Resources System (CBRS) as indicated on Flood Insurance Rate Map (FIRM) 12087C1736 H (map revised March 3, 1997). The three most significant constraints imposed by classification in CBRS are that flood insurance is not available for new structures and the subject parcel does not qualify to be a receiver site for Transferable Rate of Growth Ordinance Exemptions (TRE) nor does it qualify as a receiver site for the transfer of non-residential floor area. The proposed forty-unit condo hotel and any "new" slips, as they have been determined to be a transient residential use, would rely on TRE to establish the transient units due to the current moratorium on new transient residential units. Furthermore, the development of non-industrial floor area in the MI zoning district would require either transfer of floor area from an eligible sender site or direct application via the Non-residential Rate of Growth Ordinance (NROGO) process. As noted, land categorized as CBRS is not eligible to be a receiver site for the transfer of floor area.
- 4) The applicant was informed that in 1991 a petition to remove the subject property from CBRS was supported by both Growth Management staff and the Board of County Commissioners. However, the

applicant, at the time, did not follow through with the process and the subject property was not removed from the classification of CBRS. The applicant was informed that the process would have to be re-initiated and that it could take as long as one year or more to accomplish. It is uncertain whether the sitting Board of County Commissioners will support the request as it did in 1991, however staff does note that the use of a marina and boat repair yard existed prior to the CBRS designation which became effective 11/16/90.

- 5) The applicant was informed that per a letter from Tim McGarry, Director of Growth Management dated April 29, 2004, "the subject property is deemed to have conditional use permit as a marina pursuant to the Monroe County Land Development Regulations, Section 9.5-250(c)(2). Therefore, the existing marina and boat yard uses of the property are considered 'conforming' to use." Any redevelopment, including the one proposed, will have to be processed as an Amendment to a Major Conditional Use.
- 6) Notwithstanding the CBRS designation, the MI zoning district allows a mix of uses including: heavy and light industrial (Section 9.5-250(a), Monroe County Code (MCC)); commercial fishing (Section 9.5-250(a), MCC); public buildings and uses (Section 9.5-250(a), MCC); office uses of less than 5,000 square feet (Section 9.5-250(a), MCC); low and medium intensity commercial retail of less than 5,000 square feet (Section 9.5-250(a) and 9.5-269, MCC); transient residential/hotel/motel/of less than fifty (50) rooms (Section 9.5-250(b), MCC); hotels/motels of more than fifty (50) rooms (9.5-250(c) commercial apartments (less than six) as defined in Section 9.5-4 (C-11), (Section 9.5-250(a), MCC); commercial apartments (more than six), Section 9.5-250(b) and pursuant to Section 9.5-250(c)(2), MCC "marinas, provided that:
  - a. The parcel proposed for development has access to water at least four (4) feet deep at mean low tide; and
  - b. **The sale of goods and services is limited to fuel, food, boating, diving and sport fishing products; and**
  - c. All outside storage areas are screened from adjacent uses by a solid fence, wall or hedge at least six (6) feet in height."

The proposed development would include marina, office, restaurant/club, commercial retail, commercial apartments for employees of the marina and transient residential uses.

- 7) The maximum floor area ratios (FAR) for the allowable non-residential uses per Section 9.5-269 are as follows:
  - a. Low intensity commercial retail 0.30 (5,000 s.f. max. limit for all commercial retail)
  - b. Medium intensity com. retail 0.30 (5,000 s.f. max. limit for all commercial retail)
  - c. Office 0.40 (5,000 s.f. max. limit)

However, pursuant to Section 9.5-250 low and medium intensity commercial retail uses of less than 5,000 square feet floor area are allowed as-of-right. It should be noted that Section 9.5-269 (Maximum non-residential land use intensities and district open space) only lists low and medium intensity commercial uses in Maritime Industrial. Based on this, high intensity commercial uses are not allowed in the MI zoning district. The proposed restaurant is 8,000 square feet which is larger than the permitted 5,000 square feet for commercial retail uses in the MI zoning district. Office uses of less than 5,000 square feet in MI, per Section 9.5-250 (MCC) are also allowed as-of-right. There is no provision for commercial retail or office uses that exceed 5,000 square feet as a minor or major

conditional use. Therefore, no more than 5,000 square feet of each use, commercial retail use and office use respectively, may exist on the site. The floor area associated with the ship's store, restaurant, and spa will require an NROGO allocation pursuant to Section 9.5-124.3(a)(7). The Industrial floor area on-site may not be redeveloped as commercial or office floor area.

The allocated density and maximum net density for the permanent and transient residential uses is as follows:

- |    |   |                             |
|----|---|-----------------------------|
| a. | Allocated density permanent residential (commercial apt.) | 1 unit per acre             |
|    | Max net density permanent residential (commercial apt)    | 2 units per buildable acre  |
| b. | Allocated hotel/motel/liveaboards/slips                   | 10 rooms per acre           |
|    | Max net hotel/motel/liveaboards/slips                     | 15 rooms per buildable acre |

To achieve maximum net density, Transferable Development Rights (TDR) must be used or the permanent residential units must meet the criteria for affordable/employee housing as outlined in Section 9.5-266(6) and (7), MCC.

The proposed slips (50) will be used for mega-yachts with full-time crews. The yachts/boats utilizing these slips are deemed to be "live-aboards." Pursuant to Section 9.5-4(L-6), MCC, a live-aboard vessel means any vessel used solely as a residence or any vessel represented as a place of business, a professional or other commercial enterprise, or a legal residence. A commercial fishing boat is expressly excluded from the term "live-aboard vessel." Section 9.5-308, MCC, states that "live-aboards shall be hooked up to an on-land sewage disposal system or shall be provided with onshore sanitary facilities, and each liveaboard shall count as a dwelling unit for the purposes of calculating density limitations in the district in which it is permitted." Based on this, each liveaboard or slip that would contain a liveaboard would require a ROGO allocation. Additionally, the proposed liveaboards are transient residential dwelling units. Currently there is a moratorium on new transient residential units and as such, new slips are prohibited as are new motel/hotel rooms or recreational vehicle spaces. New transient residential units may only be developed via the use of TRE, which cannot be used while the property is designated as a unit of CBRS.

The number of existing slips has not been conclusively determined. The current facility does have dockage but based on aerial photos reviewed the number of individual slips, if any, is inconclusive. A permit history search revealed no permits for any amount of wet slips. It is the burden of the applicant to document the number of existing slips. Any new slips, as indicated above, will require a ROGO allocation or a TRE for each new slip.

To determine the development threshold of the mix of uses proposed for the subject property the methodology delineated in Administrative Direction # 04-115 is used to calculate the mixed density. The mix of uses must not exceed one hundred percent (100%) of the development potential of the parcel.

In light of the constraints on floor area for commercial retail and office uses of 5,000 square feet the allowable density must be calculated utilizing this upper limit rather than on the usual equation of the gross area of the parcel multiplied by the maximum floor area ratio. Therefore, the maximum amount of combined commercial retail and office use is 10,000 square feet. The proposed non-residential



floor area is 1,000 – 2,000 sq. ft. ship's store; 8,000 sq. ft. restaurant; 4,000 sq. ft. spa, all of which is considered commercial floor area; and 2,000 sq. ft. marina office, which is office floor area.

Total upland area = 12.58 acres or 547,984.8 square feet

Commercial FAR is based on gross acreage

Commercial floor area limit of 5,000 sq. ft.

$547,984 \times .30$  (commercial retail) = 164,395 (max FAR with no limit)

$5,000/164,395 = 0.03$  or 3% of potential commercial retail

$1 - 0.03 = 0.97$  or 97% remaining for development.

$0.97 \times 547.984 = 531,544$  sq. ft.

$531,544 \times 0.40$  (office) = 212,617 sq. ft. (max for office with no limit)

$5,000/212,617 = 0.02$

$1 - 0.02 = 0.98$

$531,544 \times 0.98 = 520,913$  sq. ft. = 11.95 acres remaining for residential

Maximum possible commercial retail and office = 10,000 sq. ft.

11.95 acres still available for residential.

Allocated permanent residential density (commercial apartments) = 1 d.u. per acre

Max net density = 2 d.u. per buildable acre ( $11.95 \times 0.80 = 9.56$  acres )

$11.95 \times 1 = 11$  dwelling units

Therefore, at allocated density 11 permanent dwelling units and 10,000 sq. ft. commercial retail/office

Max net = 9.56 acres  $\times 2 = 19.12$  units = 100%

Therefore, at max net density 19 permanent units and 10,000 sq. ft. commercial retail/office.

OR

Commercial retail/office = 10,000

11.95 acres remaining for transient residential

Allocated = 10 per acre

Max net 15 per buildable acre

$11.95 \times 10 = 119$  transient dwelling units

Therefore, 10,000 sq. ft. of commercial retail/office and 119 transient units

Max net = 9.56 acres  $\times 15 = 143$  transient units

Therefore, 10,000 sq. ft. of commercial retail/office and 143 transient units.

There are other combinations of uses that may be developed, such as, commercial retail/office with permanent and transient residential uses that do not exceed 100% of the development potential of the parcel.

However, due to the current moratorium on transient residential units per Policy 101.2.6 of the Comprehensive Plan and Section 9.5-120.5 of the MCC, including hotel/motel/condo/slips no new hotel rooms or slips may be developed without the utilization of TRE, which as noted above are prohibited in CBRS.

- 8) The existing density, based on the survey submitted (survey performed on 4/27/04) indicates five structures that contain non-residential floor area. There are two residential units shown on the survey, one "trailer" and one "houseboat." The property record card indicates three mobile home structures and no reference is made to a "houseboat." The survey is the overriding document for determining

what is on-site. Based on the survey the five buildings total 22,558.95 square feet. There is no indication of what use is occurring within each building although two of the five are designated as sheds. Pursuant to Section 9.5-124.3, MCC, the Non-residential Rate of Growth Ordinance (NROGO) does not apply to "industrial uses in the Maritime Industrial (MI) and the Industrial Land Use Districts provided that the floor area is restricted to manufacturing, assembly, wholesaling, and distribution uses. All other uses which, may be permitted in the Land Use District are subject to the requirements of this article and will require an NROGO allocation." The existing floor area may be redeveloped on-site if the use associated with the existing buildings is considered industrial which includes the above-noted manufacturing, assembly, wholesaling and distribution. The proposed commercial retail and office uses are not eligible to utilize the existing industrial floor area for redevelopment on-site. This non-residential floor area must be applied for via the NROGO process which pursuant to Section 9.5-124.3 (c) limits the cumulative amount of non-residential floor area that can be transferred to any one site to 4,000 square feet. Furthermore, pursuant to Section 9.5-124.3 (b) the receiver site for non-residential floor area may not be located in a CBRS. Therefore, as long as the property is designated as part of the CBRS it is not eligible to be a receiver site for non-residential floor area or TRE. Additionally, any industrial floor area may be redeveloped on-site only for industrial use.

- 9) As noted above, the project is not feasible until such time as the property is declassified as part of CBRS. The information below is provided as a courtesy to the applicant as to the requirements that must be met at such time as the property should become de-classified as part of CBRS.
- 10) The applicant was informed that the open space requirement for the MI zoning district is 0.20 or 109,596.9 square feet for the subject property. As defined by Section 9.5-4 (0-3), MCC, open space "means that portion of any parcel or area of land or water which is required to be maintained such that the area within its boundaries is open and unobstructed from the ground to the sky." The site plan submitted as part of an Amendment to a Major Conditional Use is required to provide open space calculations. Landscaping and setbacks are considered open space.
- 11) The applicant was informed of the concern that the proposed slippage for 50 large boats, such as described in the proposal, arranged in the manner proposed will have an adverse affect on the ability of other boats, including but not limited to commercial fishing and shrimpers, to navigate the channel. Pursuant to Section 9.5-349 "docks shall not exceed ten (10) percent of the width of the waterbody as measured laterally across the waterbody from the point of mean low water of the proposed location of the placement to the opposing point of mean low water." Also pursuant to Section 9.5-349, "no dock together with a moored vessel shall preempt more than twenty-five (25) percent of the navigable portion of a man-made waterbody.
- 12) The proposed facility will not be opened to the public. A traffic impact study including vehicular impacts as well as maritime impacts from the proposed mega-yachts must be done to assess the impact of the proposed mega-yachts on navigation and adjacent port facilities and any vehicular traffic associated with the marina.
- 13) The parking requirements as delineated in Section 9.5-351 are as follows:
 

Single family dwelling units	- 2.0 spaces per dwelling unit
Commercial retail	- 3.5 spaces per 1,000 sq. ft. of gross floor area
Eating and drinking establishments	- 14 spaces per 1,000 sq. ft. of gross floor area
Hotel	- 1 space per room
Live-aboards	- 1.5 spaces per berth

The project, as proposed, furnishes 280 parking spaces.

- 14) The Maritime Industrial zoning district is not required to have parking lot landscaping pursuant to Section 9.5-361 however, due to the intensity of use proposed a Class "C" landscape standard will be required as for a light industrial use.
- 15) District boundary buffers are not required as all adjacent property is zoned MI.
- 16) The proposed clubhouse facility must conform to all applicable American's with Disabilities Act (ADA) requirements with regard to bathroom facilities, access ways and parking.
- 17) The applicant was informed that coordination with the Monroe County Fire Marshal was required to assess the need for specific fire control mechanisms and other public safety issues associated with the proposed development.
- 18) The applicant was informed that all outdoor lighting shall be required to meet the criteria found in Section 9.5-391-394.

Pursuant to Sec. 9.5-43 of the Monroe County Land Development Regulations, you are entitled to rely upon the representations set forth in this letter of understanding as accurate under the regulations currently in effect. However, the Planning Department acknowledges that all items required as part of the application for development approval may not have been addressed at the June 17, 2004 meeting and consequently reserves the right for additional departmental comment.

We trust that this information is of assistance. If you have any further questions regarding the contents of this letter, or if we may further assist you with your project, please feel free to contact our offices at (305) 289-2500.

Very truly yours,



K. Marlene Conaway  
Director of Planning

CC: Ervin Higgs, Property Appraiser  
Timothy J. McGarry, AICP, Director of Growth Management  
Aref Joulani, Sr. Administrator of Development Review  
J. G. Buckley, Senior Planner  
Andrew Trivette, Biologist  
Ralph Gouldy, Sr. Administrator Environmental Resources  
Ronda Norman, Director of Code Enforcement  
Rich Jones, Marine Resources Planner  
Heather Beckman, Planner  
Sylvia Vargas, WRT

# County of Monroe

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Board of County Commissioners  
Mayor Murray Nelson, District 5  
Mayor Pro Tem David Rice, District 4  
Comm. Charles "Sonny" McCoy, District 3  
Comm. George Neugent, District 2  
Comm. Dixie Spehar, District 1

April 29, 2004

RE: Robbie's Safe Harbor Marina, Stock Island, Monroe County

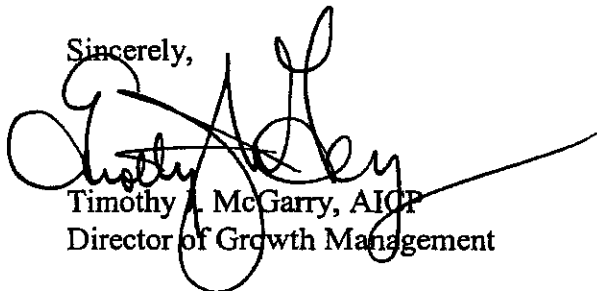
To Whom It May Concern:

This letter is written pursuant to a request by the attorney representing Robbie's Safe Harbor Marina, located at the end of Old Shrimp Road, Stock Island, Monroe County, Florida. This confirms that Robbie's Safe Harbor Marina is zoned as Maritime Industries District (MI).

The subject property is deemed to have conditional use permit as a marina pursuant to the Monroe County Land Development Regulations, Section 89.5-250(c)(2). Therefore, the marina uses of the property are considered "conforming" as to use.

Should you need any further information, please contact this office.

Sincerely,



Timothy A. McGarry, AICP  
Director of Growth Management

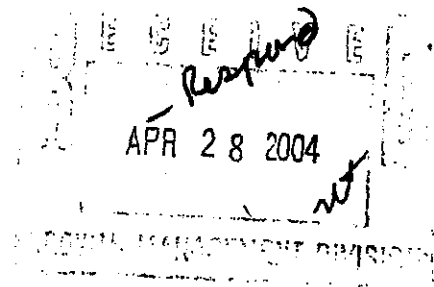
cc: K. Marlene Conaway, Director of Planning and Environmental Resources

**HORAN HORAN  
& WALLACE LLP**  
ATTORNEYS AT LAW

608 WHITEHEAD STREET  
KEY WEST, FLORIDA 33040

April 23, 2004

\*DAVID PAUL HORAN, P.A.  
\*EDWARD W. HORAN, P.A.  
R. BRUCE WALLACE, P.A.  
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\*ALSO MEMBER COLORADO BAR

\*\*ALSO MEMBER ARKANSAS BAR

Timothy J. McGarry  
Director of Growth Management Division  
2798 Overseas Highway  
Suite 410  
Marathon, Florida 33050

Re: Robbie's Marina

Dear Tim:

This is a follow-up of our conversation on Wednesday, April 21<sup>st</sup>, 2004. I am requesting a letter that confirms that Robbie's Marina is a "Marina". I'm enclosing present occupational licenses and, after my inquiries, I can represent the following facts regarding the property.

During the 1960's and 1970's, the property was an operational marina whose "specialty" was the importation and distribution of large quantities of marijuana and cocaine. In the early 1980's (1981/1982), the marina was seized and forfeiture proceedings were instituted by the United States. During the litigation between the owners (in prison) and the United States, the U.S. Marshal's service hired Mr. Chet Alexander and later Mr. C.A. Paxton (Alexander Marine and Salvage, Inc.) to run the marina. In the late 1980's, the United States prevailed in the forfeiture action and the marina was advertised for a public sale. My client, Robbie Reckwerdt, purchased the marina from the United States at the 1991 sale. Robbie's first "Marina & Storage" occupational license was issued in March 1991. The tax collector's office confirmed that the United States was not required to obtain an occupational license.

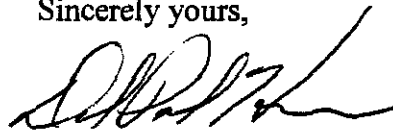
Pursuant to Section 9.5-250(c)(2) of the LDR's and the "Deemer Clause" Section 9.5-2(c), all of the marina uses (i.e. fuel, food, boating, diving, sport fishing products and outside storage) existed prior to September 1986. Robbie's Marina is, therefore, a conditional use and . . . "shall not be considered nonconforming."

Timothy J. McGarry  
Director of Growth Management  
April 23, 2004  
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Please confirm in a "To Whom It May Concern" letter that Robbie's Marina is deemed to have a conditional use permit as a Marina.

Thank you in advance for your help.

Sincerely yours,

A handwritten signature in black ink, appearing to read "David Paul Horan", written in a cursive style.

DAVID PAUL HORAN  
For the Firm

DPH:krh